



# Department of Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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**U.S. SUES ELECTRIC UTILITIES IN UNPRECEDENTED ACTION**  
**TO ENFORCE THE CLEAN AIR ACT**  
**Complaints Filed After One of the Largest Enforcement Investigations in EPA History**

WASHINGTON, D.C. – The Justice Department, on behalf of the EPA, today filed seven lawsuits against electric utility companies in the Midwest and South, charging that 17 of the companies' power plants illegally released massive amounts of air pollutants for years, which have contributed to some of the most severe environmental problems facing the United States today. The EPA today also issued an administrative order against the Tennessee Valley Authority, charging the federal agency with similar violations at seven plants.

The seven separate suits allege that the electric utility companies -- American Electric Power, Cinergy, FirstEnergy, Illinois Power, Southern Indiana Gas & Electric Company, Southern Company, Tampa Electric Company -- or their subsidiaries, and the TVA, violated the Clean Air Act by making major modifications to many of their plants without installing the equipment required to control smog, acid rain and soot.

"When children can't breathe because of pollution from a utility plant hundreds of miles away, something must be done," said Attorney General Janet Reno. "Today's actions will help clean the air and make us breathe a little easier."

For years, the 24 power plants have operated without the best available emissions-control technology, increasing air pollution near the facilities and far downwind of the plants, along the Eastern Seaboard. In addition to the lawsuits and administrative order filed today, the EPA issued notices of violations to the utilities, naming an additional eight plants where the agency maintains similar violations occurred.

The 32 plants targeted today are located in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Ohio, Tennessee, and West Virginia.

"As a result of one of the largest enforcement investigations in EPA history, we are today taking action to cut illegal and excessive air emissions from 32 coal-fired power plants throughout the Eastern half of the United States," said EPA Administrator Carol M. Browner. "This action will dramatically reduce the harmful smog and acid rain that directly threatens public health and the environment throughout the Midwest and up and down the East Coast."

By taking this unprecedented action, the United States aims to reduce dramatically the amount of sulfur dioxide, nitrogen oxides, and particulate matter that electric utility plants release into the atmosphere. The lawsuits -- filed in U.S. District Courts in Atlanta, Indianapolis, Tampa, East St. Louis, Ill., and Columbus, Ohio -- seek to force the facilities to install

appropriate air pollution-control technology. Similarly, EPA's order directs TVA to install control technology that will significantly reduce SO<sub>2</sub> and NO<sub>x</sub> emissions.

The United States will seek significant civil penalties from all these violators. The Clean Air Act authorizes civil penalties of up to \$25,000 for each day of violation at each plant prior to January 30, 1997, and \$27,500 for each day thereafter.

Power plants existing at the time the Clean Air Act was amended in the late 1970s were "grandfathered." Therefore, utility companies were not required to retrofit those existing plants with new air pollution control equipment, unless the utilities undertook major modifications of those plants. The government asserts that the utilities each made major modifications to their plants in order to extend their lives and avoid the cost of building new plants. These projects included replacing large portions of the boilers that are the heart of the plants. Many of these actions cost tens of millions of dollars and took years to complete. Under the Clean Air Act, modifications of this kind require installation of the "best available control technology," but the utilities did not do so.

The utilities' failure to install this equipment resulted in tens of millions of tons of sulfur dioxide, nitrogen oxides, and particulate matter illegally emitted into the air, according to the government, leading to adverse environmental and health impacts. Each year, these plants release nearly three million tons of pollutants -- more than two million tons of sulfur dioxide (SO<sub>2</sub>) and almost one million tons of nitrogen oxides (NO<sub>x</sub>).

Collectively, electric utility plants in the United States account for nearly 70 percent of sulfur dioxide emissions each year and 30 percent of nitrogen oxides emissions. In addition to detrimental health effects on asthma sufferers, the elderly and children, power plant emissions have been linked to forest degradation, waterway damage, reservoir contamination, and deterioration of stone and copper in buildings.

- ◆ **Sulfur dioxide** interacts in the atmosphere to form sulfate aerosols, which can travel long distances through the air and can be inhaled. The inhalation of high levels of sulfate aerosols is associated with increased sickness and mortality from lung disorders, such as asthma and bronchitis.
- ◆ **Nitrogen oxides** are major producers of ground-level ozone, or smog, which can decrease lung function -- especially among children who are active outdoors -- and aggravate respiratory problems. Nitrogen oxides are also transformed into nitrogen dioxide, a dangerous pollutant that can constrict lower respiratory passages, create difficulty in breathing, and weaken immune systems.
- ◆ Sulfur dioxide and nitrogen oxides interact in the atmosphere with water and oxygen to form nitric and sulfuric acids, commonly known as **acid rain**. Acid rain, which also comes in the form of snow or sleet, "acidifies" lakes and streams and damages trees at high elevations. It also accelerates the decay of building materials and paints, including irreplaceable buildings, statues, and sculptures that are part of our nation's cultural heritage.
- ◆ **Particulate matter** is often called soot. Breathing high concentrations of particulate matter can damage lung tissue and contribute to cancer and respiratory disease.

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